



**State Senator  
Gilda Z. Jacobs**

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**State Senator  
Gilda Z. Jacobs**

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# RENTERS REPORT

## *Information for District 14 Constituents*

Dear District 14 Constituents:

Greetings from Lansing! As you may know, the current session of the Michigan Senate has been busy and challenging. We continue to deal with numerous and varied issues affecting the citizens of Michigan, several of which may impact you as renters and tenants residing in my district. I hope you find them of interest.

Sincerely,

Gilda Z. Jacobs • State Senator

## **Legislative News**

### **Construction Code Provides For Fire Alarms**

In March 2004, legislation was passed that requires owners of Class A multiple dwellings (i.e., apartments, duplexes) to install one smoke alarm or more in the building or structure, including those built before 11/6/74. You should also install individual smoke alarms within your own unit to assure early detection should a fire occur. The National Fire Protection Association (NFPA) recommends installing at least one smoke alarm on every

floor of your home (including the basement) and outside each sleeping area. If you sleep with the bedroom door closed, the NFPA recommends installing smoke alarms inside the room.

### **Increased Fees For Tenants Suing Landlords**

Legislation currently pending in the Legislature would increase the taxable court costs in various landlord-tenant civil actions. These costs are the amounts that a court may require a non-prevailing party

# Seeking Legal Recourse? Consider Mediation.

If you are involved in a dispute with your landlord, mediation often provides a simpler and less costly alternative to legal action. Any person can initiate mediation. A trained mediator will talk with you to determine if your situation is appropriate for mediation. Then, with your permission, the mediator

will talk with the other party to encourage them to participate in the mediation session.

During the session, both sides will have the opportunity to tell their side. The mediator will uncover facts, identify issues, and recommend a solution. When both parties reach agreement, the solution will be put in writing by the mediator. The

agreement then becomes a legally enforceable document.

**If you are interested in learning more about mediation, contact:**

Oakland Mediation Center, Inc.  
2267 S. Telegraph  
Bloomfield Hills, MI 48302  
248/338-4280  
[www.mediation-omc.org](http://www.mediation-omc.org)



## Legislative News *Continued from page 1*

to pay the prevailing party for expenses of the litigation. Several of my colleagues and I are opposed to this legislation because, while the increases may be necessary, they are too extreme, considering that the costs in some cases will be quadrupled. I am concerned that the high costs may become a disincentive for justified renters to hold landlords accountable.

### Lead Poisoning Bills Move Forward

Lead poisoning is among the most commonly known children's environmental health issues. In January 2004, the Senate passed a package of bills that will help protect children against lead poisoning. The package includes legislation that would make it a misdemeanor for landlords to knowingly rent a housing unit containing lead paint; require the State to create a lead-safe housing

registry; establish a Childhood Lead Poisoning Prevention and Control Council; and require laboratories to report blood samples that contain lead. The legislation makes knowingly renting a lead-contaminated home a misdemeanor punishable by up to 90 days in jail and a fine of up to \$5,000.

Most structures built before 1950 have lead paint. The use of lead paint declined after 1950, but, if your residence was built before 1978, it should be tested



*Senator Jacobs addresses her colleagues on the floor of the Senate chambers during a recent session.*

for lead. Ask your landlord if your residence has been tested. Do-it-yourself test kits are available at hardware stores or samples can be sent to an EPA-certified lab for testing. If you plan to paint or renovate areas with lead paint, the lead paint should be removed by a lead abatement specialist before starting.

# For Your Information

## Can my landlord prohibit me from smoking in my apartment?

In a Michigan Attorney General Opinion of May 1992, the AG stated that “neither state nor federal law prohibits a privately owned apartment complex from renting only to non-smokers, or, in the alternative, restricting smokers to certain buildings within an apartment complex.” If smoking is an issue, check with your landlord before you sign the lease.

## Is there a limit on the amount of security deposit a landlord can collect?

The law states that a security deposit cannot exceed 1-1/2 times the monthly rent. Any prepayment of rent (other than for the first full rental period established in the lease) and any refundable fee or deposit is considered by law to be part of the security deposit. A refundable cleaning fee is considered part of the security deposit, but a non-refundable charge for credit checks, pets, or mailboxes is not.

## If my roommate moves out and stops paying rent, can I be evicted?

Yes. The landlord is lawfully entitled to receive the full rent amount, and whoever signs the lease must abide by its terms and conditions. Most leases contain a “joint-and-several liability” which means each tenant is responsible not only for his or her obligations, but also for the obligations of other tenants.

## Can I choose to sublease my apartment?

Your original lease must allow for subleasing, and most leases specify that the landlord have final approval of the subtenant. Remember that even if you sublease to another party, you are still the one bound by contract



to your landlord and remain responsible for damages and unpaid rent. Be sure to get a written agreement with your sublease. You may want to consult a lawyer or other qualified person before you enter into such an agreement.

Questions and answers are courtesy of “Tenants and Landlords” prepared by the Michigan Legislature. To view the full booklet on line, visit: [www.mileg.org](http://www.mileg.org) and click on publications. For a printed copy, contact Senator Jacobs’ office.

# Consumer Protection For High Insurance Rates

Increasing homeowners and automobile insurance premiums are threatening the economic security of Michigan citizens, outpacing inflation by more than a 2-1 ratio. The Office of Financial and Insurance Services is currently investigating the rise in insurance rates. As part of this process, they are circulating

Disparity Complaint Forms for people to submit details of insurance rate changes they have experienced. OFIS will also screen the submitted Disparity Complaint Forms for any type of complaint with which they can assist. The complaint will then proceed through the normal complaint process.

The Insurance Rate Disparity Form is available online at: [http://www.michigan.gov/documents/cis\\_ofis\\_fis\\_0035\\_76202\\_7.pdf](http://www.michigan.gov/documents/cis_ofis_fis_0035_76202_7.pdf)

If you do not have online access, please contact Senator Jacobs’ office by calling 1-888-937-4453 to receive a form in the mail.



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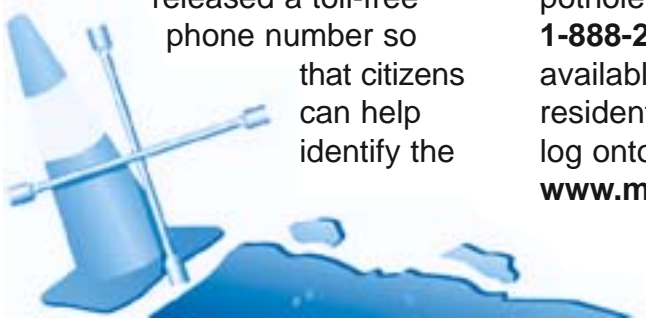
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## Perturbed Over Potholes?

**T**he Michigan Department of Transportation (MDOT) has released a toll-free phone number so that citizens can help identify the

location of potholes. If you are aware of a dangerous pothole, please call toll-free **1-888-296-4546**. This line is available 24 hours a day. For residents with Internet access, log onto the MDOT website at: **[www.michigan.gov/mdot](http://www.michigan.gov/mdot)**

and click on the reporting potholes link. Callers and those reporting pothole locations by e-mail are asked to provide the route name, county, nearest community, and closest cross street to the pothole.



## Free Publications Available

Please check the appropriate box(es) below, fill in your name and address in the spaces provided, and return this entire coupon to: **State Senator Gilda Z. Jacobs, P.O. Box 30036, Lansing, MI 48909-7536** or you may **fax your order to (517) 373-2983**.

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